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Empiricism, Theory, and Metatheory in the Study of Legal Relations: Applying a Layered Approach to the Analysis of Penal Law Relations

VYACHESLAV V. SHAKHANOV

Vladimir Branch of the Russian Presidential Academy of National Economy and Public Administration, Vladimir, Russia, Shakhanov.vyacheslav@mail.ru, <https://orcid.org/0000-0003-1251-7886>

Abstract

Introduction: the article analyzes the heuristic potential of using a “layered” system of legal cognition. Purpose: by analyzing the “layered” system of legal cognition as a gnosiological matrix of jurisprudence, to show that each level of scientific knowledge has its own scientific purpose, which is most fully realized only in interaction with other levels; to demonstrate capacities of the “layered” system of legal cognition in the study of penal (penitentiary) legal relations. *Methods:* at the stage of collecting empirical information – abstraction, induction, empirical analysis; at the stage of theoretical reflection – idealization, constructive introduction of theoretical objects, logical reduction; at the metatheoretical level – general scientific and philosophical justification. *Result:* Examining legal relations through the lens of a “layered” structure of scientific knowledge allows for a broader understanding of how their specific characteristics evolve depending on the legal instruments employed – which, in turn, are determined by the particular stage of scientific inquiry. This approach also enables scholars to harness the heuristic potential of the “boundary of meanings,” a conceptual space that integrates and connects different levels of scientific knowledge. At the empirical stage, the legal relationship does not go beyond the scope of its sectoral classification. Here, external, “procedural” aspects are recorded – the legal facts that trigger the mechanism of the emergence, modification, and termination of legal relations. At the theoretical level, the object of legal relationship becomes idealized and acquires the quality of a theoretical model that reflects essential features of legal reality. This level reveals the substantive aspect of the development of a legal relationship, presenting it as a multi-stage, time-consuming process of realizing the rights and obligations of its subjects. At the metatheoretical level, the boundary of the subject matter content of the study of legal relations is outlined, the initial conceptual framework is clarified, and the prospects for development are determined. *Conclusions:* a holistic understanding of the dynamics of a penal legal relationship is achieved only through the integration of all three levels of legal cognition. The proposed “layered” approach is of theoretical and practical significance. Understanding that a penal law relationship is an ongoing, multi-stage process allows for a more conscious approach to its legal regulation, ensuring a balance between the punitive elements of punishment and the rights of convicts, between the stability of legal relationship and its necessary dynamics.

Key words: legal relationship; penal law relationship; penitentiary legal relationship; scientific knowledge levels; empirical level; theoretical level; metatheoretical level; boundary of meanings; purpose of the legal relationship; meta-goal of the legal relationship.

5.1.1. Theoretical and historical sciences.

5.1.4. Criminal law sciences.

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Scientific theories are regularly tested, updated, and re-evaluated to maintain their validity and relevance. The same applies to the theory of legal relations, which, despite seeming to have reached a high degree of elaboration, still offers room for further clarification, development, and critical scrutiny. Nonetheless, within legal science, the notion of the “apparent exhaustion of this area” remains a point of discussion [1, p. 8]. Researchers persist in seeking new angles from which to analyze a theory that appears to have been thoroughly developed [2]. The existing theory of legal relations is characterized by the predominance of external attributes over its internal legal characteristics [2, p. 51], the vagueness of the semantic load in the definitions of a legal relationship [2, p. 54], etc.

Despite a certain *a priori* understanding of the dynamics of legal relationship development (especially in the context of the sequence: emergence – change – termination), the study of its essence using different levels of scientific cognition deserves special attention and can contribute to the development of the theory of this legal phenomenon. Such studies acquire particular value when examined in the context of specific types of legal relations, including those based on penal (penitentiary) legal relations.

1. Elemental composition and epistemological capabilities of the “layered” system of legal cognition

The assessment of key postulates of the scientific cognition theory shows the possibility of developing a theory of the “layered” system of legal cognition as an epistemological matrix of jurisprudence [3]. The term “matrix” finds its application in legal science in various contexts, which generally reflects the demand for an expansion of the “basic” terminology. Accordingly, scholars use terms such as “matrix order” [4, p. 16], “matrix method” [5, p. 35],

and “matrix character” [6, p. 333], etc. This vocabulary provides a particularly effective means of representing the foundational elements of legal reality and enables a more thorough analysis of systemic interconnections.

The theoretical concept of the scientific knowledge structure originally assumed the existence of only two levels: empirical and theoretical. Nowadays, it is extended with the metatheoretical level, we will further analyze.

The combination of terms “empiricism” and “theory” is used to characterize the dialectics of public knowledge. The dialectics of individual knowledge is described using the terms “sensibility” and “thinking” [7, pp. 28–29]. Scientific activity involves the exchange of ideas and results in some communication (both direct and indirect (within the framework of collective formations formed on the basis of personal conceptual preferences, such as “scientific community,” “scientific school,” “virtual interpretive communities,” “invisible college”) [8, pp. 41, 82, 86]). Thus, it can be characterized as a social activity (even if it involves interaction with a virtual community). This is also what determines the use in the system of scientific cognition of terminology characteristic of social cognition (i.e., the terms “empiricism” and “theory”).

The explanatory dictionary developed by D.N. Ushakov defines empiricism (from the Greek *empeiria*, “experience”) as ordinary human experience, as opposed to scientifically organized experiment or observation [9]. It is worth mentioning that in the Middle Ages empiricism was considered within the framework of ideas of Thomas Aquinas. In the Modern period, empiricism is considered as a stage of scientific knowledge. It is distinguished from sensationalism and rationalism. This dialectic embodies the duality inherent in the modern

understanding of empiricism: not all empirical experience is the same. In the modern interpretation, empiricism can characterize both the level of scientific knowledge and a result that has nothing to do with science (i.e., experience gained as a result of any daily activity).

A comparable definition can be found in S.I. Ozhegov's dictionary: there, empiricism is conceptualized as human experience in its general sense, encompassing perception obtained via the sensory faculties. [10, p. 729]. Here, there is a conflation of empiricism (experience) and sensualism (senses). In fact, sensualism manifested itself in various ways and, at different times, intertwined with empiricism.

In any case, empiricism is associated with experience. It is believed that it is precisely this that makes our knowledge convincing and reliable [11, p. 699]. What is "experience"? According to S.I. Ozhegov's dictionary, experience is "a set of practically acquired knowledge, skills, and abilities, or reflection in the human consciousness of the objective world and social practice aimed at changing the world" [10, p. 375]. It follows that scientific empiricism is a kind of metacategory in relation to practice – practice with a scientific slant.

In jurisprudence, as in other fields of science, new knowledge is based on the existing scientific foundation. With regard to the triad under consideration, the problem lies in the following. First, the relationship between empiricism and theory, as G.D. Levin notes, includes no fewer than eleven variants [12, p. 10]. Second, the metatheoretical level began to be objectified relatively recently, and its component parts are still subject to debate (at least in relation to jurisprudence). Third, "humanitarian empiricism" is not as obvious as empirical knowledge in the natural sciences. Empirical methods are usually associated with observation and experimentation. In jurisprudence, experimentation has a very limited scope. The experimental legal regime has perhaps become the most widespread, for example, in the context of the federal law No. 258-FZ of July 31, 2020 (as amended on August 8, 2024) "On experimental legal regimes in the field of digital innovations in the Russian Federation". An operational experiment is used in law enforcement intelligence operations. The listed "experimental phenomena" themselves cannot be attributed to the empirical level of scientific knowledge, since the starting point of this level of scientific knowledge is a scientific fact, which represents knowledge about a phenomenon, not the phenomenon itself. Observation as

a method in jurisprudence is mainly associated with the fields of criminology and legal ethnology [13, p. 311]. When the level of empirical analysis is "raised," other methods may also be used. Thus, V.M. Syrykh notes that at the empirical level, both qualitative and quantitative characteristics can be generalized. In the first case, methods of comparison and classification are used, in the second – methods of statistics and mathematics [14, pp. 56–57]. The noted limitation in the use of observation and experimental methods in jurisprudence significantly reduces the possibilities for reflection in this area. Nevertheless, it is present. Thus, E.N. Selyutina and V.A. Kholodov, characterizing the empirical level of legal cognition, note that it "is primarily characterized by observation, since it allows, first, to identify state and legal phenomena, and, second, to examine them while abstracting from biased political, social, cultural, and other attitudes" [15, p. 127].

It is important to keep in mind that the empirical analysis carried out at the empirical level of scientific knowledge should not be conflated with the empirical basis of the research. Such analysis cannot be entirely detached from the "background" of the knowing subject, that is, from the full range of underlying attitudes and perspectives mentioned earlier. Empirical knowledge is not a "from-scratch" account of events; rather, it is knowledge that is already framed, contextualized, and imbued with meaning.

What options are possible when the "layered" system of knowledge (as a scientific cognitive system) is imbued with legal content, i.e., what can be considered as empirics, theory, and metatheory? Here, we can proceed from the identity of cognitive models. O. E. Leist views practical jurisprudence, the general theory of law, and the philosophy of law as levels of legal knowledge: the first deals with legal texts, the second with norms and legal relations, and the third with law's meaning and its link to ideals [16, pp. 217, 222]. S.S. Alekseev uses the concept of the "boundary of law," identifying in this capacity the dogma of law, the legal content, and legal ideas [17, pp. 275, 291–293]. Yu.A. Vedeneev identifies "three levels or tiers of legal reality, three modes of existence", such as the level of what is metaphysically or philosophically conceivable (ideal, desired law), the level of what is dogmatically conceivable (positive law), and the level of the actual legal order (the level of legal everyday life) [18, p. 64]. V.I. Chervonyuk identifies three levels of cognition: 1) the level (echelon) of abstract or (high) theory, which captures universal relationships and patterns in legal phe-

nomena; 2) the level (echelon) of the theory of the “middle” level, which fixes the action of legal institutions in relation to certain areas of the legal space (mainly expressed by analytical jurisprudence, or the dogma of law); and 3) the level (echelon) of applied legal knowledge, divided into: a) the level of applied strategic knowledge aimed at assessing legal reality as an object of transformation; and b) the level (echelon) of applied operational knowledge, or legal engineering – the field of application of knowledge to solve problems determined by the needs of practice [19, pp. 43, 44].

Building on the findings of these studies and incorporating the metatheoretical level into the structure of scientific knowledge, we consider each level of legal knowledge as having its own language, activity type, and methodology: empirical (language of empirical constructs, application activity, empirical methodology); theoretical (language of theoretical constructs, improvement activity, theoretical methodology); metatheoretical (language of metatheoretical constructs, development activity, metatheoretical methodology). Each level of scientific knowledge is distinguished by a specific style of scientific thinking: the empirical level is marked by a concrete-imagistic style, the theoretical level by an analytical-explanatory style, and the metatheoretical level by a conceptual-categorical style.

In our view, S.S. Alekseev has most fully specified the empirical level of jurisprudence (albeit in a different terminological form – the dogma of law). He examines the dogma of law in three dimensions: the atomic structure of law; the external forms of law; and the real facts that express the operation of law [17, p. 276]. In relation to the topic of this article, the researcher’s specification of the atomic structure of law is of particular interest, in the content of which he includes the elements of legal relations [17, p. 276].

Thus, any legal phenomenon under study has its own empirical, theoretical, and metatheoretical stages of cognition. The object of cognition may, for example, be legal facts. At the empirical level, they are studied either to obtain material for further theoretical processing (a scientific-theoretical goal) or to establish whether a legal relationship has arisen or not (a scientific-applied goal). The accumulated volume of empirical information, if necessary, is subjected to scientific-theoretical analysis (for example, the theory of legal facts is refined), but it may not be required at the next level of scientific knowledge. At the empirical level, facts are established, and the information obtained about them (mainly through observation and experimentation)

is evaluated in terms of its potential for research at the theoretical level. This assessment is carried out at the “boundary of meanings” between empirical and theoretical levels. Similar processes take place at the “boundary of meanings” between theoretical and metatheoretical levels. The difference here lies only in the purpose of comprehending the relevant legal phenomenon [20, p. 147]. The presented model illustrates the fact that each level of scientific knowledge has its own scientific purpose, which is most fully realized only through interaction with other levels.

2. Instrumental means of the “layered” system of legal cognition in the study of legal relations

In our view, many questions regarding the theory of legal relations could be resolved if it were examined in the context of different types of scientific legal cognition: empirical, theoretical, and metatheoretical. Judgments about legal relations should not be eclectic; they need to be built not only taking into account innovative methodologies but also without forgetting the classical canons of intellectual activity. “Classical” standards limit goals and tools of scientific cognition depending on the level (or type) of cognition. It should not be forgotten that “a statement or proposition that is identical in content may belong to either the empirical or theoretical level, depending on how it has been obtained and what its truth is based on” [7, p. 31].

A legal relationship at the empirical stage often does not go beyond the scope of its specific field of application. Judicial practice stands apart here, where empiricism is extremely rarely of a scientific nature (a prerogative of higher judicial bodies). And here, it may indeed be limited to the phrase “the nature of legal relationship,” as P.P. Serkov points out [2, p. 47]. At this level, a “flight of fancy” is not initially assumed, which fully correlates with its purpose. It would also be incorrect to view this level as merely supportive. It is necessary to take into account that each level is mediated by a certain “level-based” methodology. At the empirical level, as noted earlier, these are the methods of observation and experimentation, comparison and classification, as well as methods of statistics and mathematics (V.M. Syrykh). At the theoretical level, the method of idealization is applied, along with thought experiments involving idealized objects, special methods of theory construction (the ascent from the abstract to the concrete, the axiomatic and hypothetico-deductive methods); methods of logical and historical research, etc. (V.S. Stepin). At the metatheoretical level, it is not discrete, “named” methods that predominate, but

theories that possess methodological properties (the theory “contracts” into a method).

At the theoretical level, its object becomes idealized and acquires the quality of a theoretical model reflecting essential relationships of reality. At the metatheoretical level, the boundary of the subject matter of the study of legal relations is delineated, the initial conceptual framework is clarified, and the prospects for development are determined (including within the framework of competing theories).

The study of legal relations against the backdrop of the relationship between theoretical and metatheoretical levels makes it possible to raise the question of a two-level system of goals of legal relations, using the heuristic potential of the concept of “metalinguistic means”. Metalinguistic means make it possible to smooth out the contradictions between two competing approaches to the concept of a legal relationship: the material (substantive) approach as the social relation regulated by the norms of law and the formal approach as the legal form of a social relation. In the first case, we can speak of the goal of a legal relationship as a first-level goal, and in the second – of its meta-goal as a second-level goal. The goals of the first level are individual for each individual legal relationship. Their achievement should be realistic and expected. The goal of the second level – the meta-goal – has a systematizing effect. It cannot be achieved in all cases without exception, but it should not be completely illusory either. In this regard, we believe that it is more logical to consider the meta-goal as an element of a general, rather than a specific, legal relationship. General legal relations reflect legal ties between the state and the citizen, as well as between citizens, in the absence of legal facts that give rise to specific legal relations; they explain the mechanism of the emergence of legal personality and involve constitutional and other general norms in the mechanism of legal regulation. The existence of general (general regulatory) legal relations is not recognized by all scholars, and among those who support their identification, there is no consensus on how to describe their nature and content [21, p. 152].

Public demand for anticipatory lawmaking entails the need to clarify the place of the legal forecasting results within the structure of scientific knowledge about legal relations. We believe that the result of legal forecasting in the form of anticipatory rule-making is objectified at the “boundary of meanings,” which unites empirical and theoretical levels. It is not empirical due to its absence in real legal rela-

tions, but it cannot be considered an element of the theoretical level either, as it does not possess the corresponding degree of abstraction.

Thus, studying legal relations through the lens of the layered system of scientific knowledge allows us to expand the understanding of specific features of its transformation depending on the legal tools used, which are tied to the stage of scientific cognition (for example, the “layered” methodology); and to use the heuristic potential of concepts of “metalinguistic”, “metacognitive”, and “boundary of meanings” (which unites various levels of scientific cognition).

3. Panel legal relationship through the lens of different levels of scientific cognition

Each level of scientific cognition has a limit of possibilities. At the empirical level, a legal relationship reflects the existence of a legal connection between specific subjects; at the theoretical level, it represents the general model of behavior of its subjects; and at the metatheoretical level, it can be used to improve the existing model of social relations through legal means, against the backdrop of the legal picture of the world, within the framework of the dominant style of legal thinking and the prevailing legal paradigm. Here, it is possible to establish the metatheoretical goal of legal relationship [21].

At the empirical level, the process of “linking” the norms of penal law to the subjects of penal (penitentiary) relations is studied. Empirical research into penal (penitentiary) legal relations consists in collecting and initially processing scientific facts. These should not be equated with legal facts that give rise to legal relations, which can only be the object of scientific cognition. A scientific fact “is an element of the logical structure of a specific system of scientific knowledge and is included in this system” [22, p. 71]. We believe that the place for a scientific fact should be sought in the upper levels of empiricism, or, more precisely, at the boundary between the empirical and theoretical levels of scientific knowledge (in our terminology – at the “boundary of meanings”). Material that has not been processed by an inquisitive mind to a certain scientific stage should be left outside the realm of empiricism. Thus, the elements of the dogma of law (laws; acts of implementation, application, and interpretation of law, etc.) will not become scientific simply because we “extract” them for further analysis using the “scientific” method of observation, nor will our ideas about them. We must either accept this or agree with the position of scholars who recognize the existence of a sensory level of

scientific cognition that precedes the empirical level. But even in this case, we are talking about a level of scientific cognition.

The empirical level also reveals a certain complexity: the emergence of a general legal relationship does not automatically mean the emergence of specific legal relationships. Thus, E.B. Kurguzkina draws attention to the fact that, in accordance with Part 1 of Article 75 of the Penal Code of the Russian Federation, convicts are sent to serve their sentence no later than 10 days from the date the administration of the pre-trial detention facility receives notification that the sentence has entered into legal force. During this period, the convict "is in a specific position, which consists in the fact that the general regulatory legal relationship has formed his/her legal status, but he/she has not yet assumed the role of a subject in any specific penal legal relationship" [23, p. 100]. This empirically observable "gap" between the emergence of general and specific legal relations requires its analysis at higher levels of cognition.

The change in a penal legal relationship at the empirical level is associated with various legal facts: a change in the type of correctional facility (Article 78 of the Penal Code of the Russian Federation), a change in the conditions of serving the sentence (transfer from regular to light or strict conditions), and the application of incentive or disciplinary measures. The application of coercive measures "implies a confrontation between subjects of the penal legal relationship" [24, p. 82], which makes the dynamics of the legal relationship not always smooth and often conflict-ridden.

The termination of the penal legal relationship at the empirical level is also quite clear: serving the sentence term provided for by the verdict; parole; replacement of the unserved part of the sentence with a more lenient type; pardon or amnesty; death of the convicted person. Each of these legal facts entails the termination of both specific and general penal legal relations.

Thus, the empirical level of cognition gives us a clear, procedurally delineated understanding of "external boundaries" of the dynamics of legal relation, recording legal facts as "bifurcation points" at which the emergence, modification, or termination of legal relations occurs.

In the process of theoretical research, the penal (penitentiary) legal relation is studied from the perspective of its internal connections and patterns. The tools for rational processing of empirical knowledge are concepts, categories, laws, and inferences. These abstractions help define the struc-

ture of a legal relationship, clarifying its object and content: the subjective rights and obligations of the relevant parties.

At the theoretical level, it is important to distinguish between static and dynamic aspects of a legal relationship. Static is the structure of a legal relationship: subjects (the convict and the administration of the institution executing the sentence), object (behavior related to serving the sentence, or material and intangible benefits in relation to which the relationship is formed), and content (subjective rights and legal obligations). Dynamics, on the other hand, is the process of realizing the rights and obligations over time, the unfolding of the content of a legal relationship.

The distinctive feature of penal law relations is that one party is always vested with special public powers. This means that the administration of the institution carrying out the sentence acts not merely as an equal participant, but as a bearer of authority. Accordingly, the dynamics of a legal relationship (its development from beginning to end) is the process of realizing state-enforced regulations and, at the same time, the process of realizing the rights of the convicted person.

Penal legal relations can be represented as time-bound legal ties. A penal legal relation is not a one-time act but represents a process stretched over a long period (sometimes for years). Within this process, there is a sequential implementation of both punitive elements of punishment (restriction of the rights and freedoms) and corrective measures (educational work, education, and labor).

At the theoretical level, the dynamics of a penal legal relation can be represented as a succession of the following stages:

1. The stage of emergence is associated with the entry of the verdict into legal force and the formation of the legal status of the convicted person (as an element of a general legal relationship).
2. The stage of concretization is the emergence of specific legal relations in the process of actually serving the sentence (placement in a specific institution, placement under specific conditions, inclusion in units and squads, etc.).
3. The stage of implementation is the daily exercise of the rights and obligations, the application of incentive and disciplinary measures, and the change in the conditions of serving the sentence.
4. The transformation stage is a possible change in the type of institution, conditions for serving the sentence, the application of parole, etc.
5. The termination stage – the completion of the

sentence serving process and the person's withdrawal from penal legal relations.

Thus, the theoretical level of understanding allows us to see the penal legal relationship as a complex, multi-stage, ongoing phenomenon in which static elements (structure) and dynamic processes (implementation) are organically combined.

At the metatheoretical level, "broad scientific and philosophical erudition, knowledge of the history and philosophy of science, and the ability to work at the intersection of science with philosophy, worldview, and culture" are required" [25, p. 7]. The metatheoretical (philosophical-legal) level of cognition involves reflection on theoretical constructs themselves, identifying ultimate foundations of the legal phenomena, and their value-based and worldview-related aspects. In relation to the dynamics of penal law relations, this level makes it possible to ask the following questions: why the legal relationship has exactly this kind of dynamics? What are the underlying foundations of the transition from statics to dynamics? What role does time play in the penal legal relationship?

At the metatheoretical level, the penal legal relationship can be understood as a unity of statics and dynamics. The most important philosophical and legal aspect of the dynamics of the penal legal relationship is the category of time. Serving a sentence always has a time frame – the period established by the verdict. However, time in the penal legal relationship is not an external, purely quantitative parameter. It is included in the content of the legal relationship: the convict's right to parole arises after serving a certain portion of the sentence; changes in the conditions of serving the sentence are also linked to the time factor. Moreover, the process of serving the sentence itself is not merely "waiting out" the assigned term, but a qualitative transformation of the convict's personality (their rehabilitation). In this sense, the dynamics of the legal relationship represent a process in which quantitative changes (the passage of time) should ideally lead to qualitative changes (the rehabilitation of the convict).

The metatheoretical level also allows us to comprehend the value-based foundations of the dynamics of penal legal relations. The dynamics of the legal relation must be not only legally regulated but also humane, proportionate, and aimed at protecting the rights and legitimate interests of the convicted person.

In penitentiary science, material penal (penitentiary) legal relations and procedural relations related to ensuring the organization of the ex-

ecution of punishment are distinguished. At the metatheoretical level, this distinction can be understood as the difference between "substance" and "procedure" in the dynamics of the legal relation. Material relations are the core that defines the essence of punishment. Procedural relations are the "shell" that ensures the implementation of material relations. Their harmonious combination is a necessary condition for the effective dynamics of legal relations.

Finally, the metatheoretical level allows us to raise the question of the boundaries of legal regulation in the process of executing punishment. The dynamics of the penal legal relationship is not limited solely to legal mechanisms. It also includes pedagogical, psychological, and social aspects. Law establishes only the framework within which corrective influence takes place. Going beyond these limits (excessive detail or, conversely, legal uncertainty) can distort the dynamics of the legal relationship, making it either overly formalized or, conversely, arbitrary.

Conclusions

The analysis conducted allows us to assert that the holistic understanding of the dynamics of a penal legal relationship is achieved only through the integration of all three levels of understanding law. Using the empirical level, external, we study procedural aspects – the legal facts that trigger the mechanism of the emergence, modification, and termination of legal relations. Through the theoretical level, the substantive side of the stages of legal relationship development is revealed, presenting it as a multi-stage, time-consuming process of realizing the rights and obligations of the parties. The metatheoretical level, in turn, allows us to comprehend philosophical and legal foundations of this dynamics: the relationship between statics and dynamics, the role of time, value-based aspects of legal regulation, and boundaries of legal influence.

Understanding that the penal law relationship is an ongoing, multi-stage process allows for a more conscious approach to its legal regulation, ensuring a balance between the punitive elements of punishment and the rights of convicts, between the stability of the legal relationship and its necessary dynamics.

Further research may be directed towards a more detailed development of the metatheoretical level of understanding of penal law relations, including a comparative legal analysis of the dynamics of legal relations in various legal systems, as well as the study of the impact of digital transformation of the penal system on the dynamics of legal relations.

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INFORMATION ABOUT THE AUTHOR

VYACHESLAV V. SHAKHANOV – Candidate of Sciences (Law), Associate Professor, associate professor at the Department of Theory and History of the State and Law of the Vladimir Branch of the Russian Presidential Academy of National Economy and Public Administration, Vladimir, Russia, shakhanov.vyacheslav@mail.ru, <https://orcid.org/0000-0003-1251-7886>

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